

City of Miami

*3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, April 2-3, 2019

10:00 AM

Commission Chambers

Civil Service Board

*Troy Sutton, Chairperson
Michael Dames, Chief Examiner
Rafael Cabrera, Board Member
Ulysses Garcia, Board Member
Wilbur Jackson, Jr., Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:15 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Michael Dames	Chief Examiner	Present
Rafael Cabrera	Board Member	Absent
Ulysses Garcia	Board Member	Present
Wilbur M. Jackson, Jr.	Board Member	Present

ADOPTION OF AGENDA

Chair Sutton asked if there were any revisions to the Agenda. Hearing none, a motion to adopt the Agenda as printed was considered and resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

A. APPROVING OF THE MINUTES**A.1 Civil Service Board - Special Meeting - Mar 18, 2019 9:00 AM**

A motion was entered to approve the Minutes as presented, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

A.2 Civil Service Board - Regular Meeting - Mar 19, 2019 9:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

B. PERSONNEL MATTERS

C. MILITARY LEAVES OF ABSENCE

- C.1** Gabino Soto, Firefighter, requests re-employment as a Firefighter, following his return from Military Leave. Copy of his DD214 indicating Honorable Discharge submitted. (DISCUSSION)

The Board entered a motion to approve the reemployment as requested, and thanked the employee for his service.

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

- C.2** Raweewan Andrews, GIS Data Specialist, requests re-employment as a GIS Data Specialist, following her return from Military Leave. Copy of her Military Release Letter indicating Honorable Discharge submitted. (DISCUSSION)

The Board entered a motion to approve the reemployment as requested, and thanked the employee for her service.

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Christopher Bess, Police Officer, of a 40-hour suspension, effective March 26, 2019. (NOTIFICATION)
- D.2** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Altarr Williams, Police Lieutenant, of a 20-hour suspension, effective

March 27, 2019 and a copy of a request to appeal from Mr. Williams. A hearing will be scheduled in accordance with the Civil Service Board Rules and Regulations.(NOTIFICATION)

- D.3** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Eric Sanchez, Police Officer, of a 10-hour forfeiture, effective March 20, 2019. (NOTIFICATION)
- D.4** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Sherrill Miller, Police Officer, of a 10-hour forfeiture, effective March 22, 2019. (NOTIFICATION)
- D.5** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Armando Valdes, Police Officer, of a 10-hour forfeiture, effective March 27, 2019. (NOTIFICATION)
- D.6** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Ismelia Castillo, Police Officer, of a 10-hour forfeiture, effective March 29, 2019. (NOTIFICATION)

E. GENERAL ITEMS

- E.1** Copy of a Request to Continue from Ramon Guillen, Attorney, on behalf of Lourdes Blanco, former Executive Director of the Miami Sports & Exhibition Authority (MSEA), concerning her Grievance hearing pursuant to a Whistleblower hearing. (DISCUSSION) Hearing is scheduled for April 16, 2019.

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES:	Sutton, Dames, Garcia, Jackson, Jr.
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- E.2** Copy of a Request to Continue from Teri Guttman-Valdes, Attorney, on behalf of Jeovanny Herbello, Police Officer, concerning his Grievance hearing pursuant to Civil Service Rule 16.2- Complaint by Employee, concerning alleged violations of Civil Service Rules 5.1- Announcement, 5.2- Application Forms, 6.2- Promotional Examinations, and 17.1- Prohibited Practices, as it relates to the 2017 examination process for Police Sergeant. (DISCUSSION)

Hearing is scheduled for April 30, 2019.

Attorney Guttman-Valdes appeared before the Board and explained the reason she is requesting a continuance is because her client will be attending a mandatory training out of town. Adanna Ferguson, Assistant City Attorney, advised that she did not have any objection.

Following discussion, the Board considered a motion to GRANT the continuance as requested, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES:	Sutton, Dames, Garcia, Jackson, Jr.
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F. REPORTS

F.1 Hearing Pending List as of April 2, 2019. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

G.1 Copy of a request from Teri Guttman Valdes, Attorney, on behalf of Javier Herbello, Police Officer, for a Grievance Hearing pursuant to Civil Service Rule 16.2, concerning an alleged a violation of Civil Service Rules 6.2 - Promotional Examinations and 8.14 - Police Promotions as it relates to the second part of the 2017 Police Sergeant's exam. Deferred from the meeting of Tuesday, March 19, 2019. (DISCUSSION)

Attorney Guttman-Valdes appeared before the Board and explained the reasoning behind her request.

Questions were posed by Chair Sutton and Member Jackson. Responses were made by Attorney Guttman-Valdes. Chair Sutton recommended that Attorney Guttman-Valdes bring forth documentation to support her case. Questions were posed by Member Dames.

Following discussion, the Board entered a motion to GRANT the Grievance hearing, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES:	Sutton, Dames, Garcia, Jackson, Jr.
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H. TODAY'S HEARINGS

- H.1 Whistleblower hearing on behalf of Steven Miro, former District Liaison, concerning his termination, effective June 14, 2018

NOTE: This hearing began today, Tuesday, April 2, 2019, and concluded at the Special meeting held on Wednesday, April 3, 2019. Prior to commencement of the hearing, Member Dames reminded the Board of his recusal on September 18, 2018, to participate in the Whistleblower hearing due to a conflict. At this point, Member Dames recused himself from the meeting.

The Board entered into the scheduled Whistleblower hearing on behalf of Steven Miro, District Liaison (former).

The Grievance was represented by Mathew Sarelson, Attorney, Kaplan Young & Moll-Parron, Attorneys at Law.

The Department was represented by Kevin Jones, Assistant City Attorney (Supervisor) and Adanna Ferguson, Assistant City Attorney.

The hearing began today, with presentation of the Grievant's case in chief. Attorney Sarelson provided opening statements. Assistant City Attorney Jones provided opening statements.

Chair Sutton each side for the number of witnesses they would call, in an effort to determine how much time would be needed for the chambers today. Following discussion from both Attorneys, the Board proceeded with the hearing.

Witnesses testifying at the request of the Grievant appeared in the following order:

- 1. Steven Miro, Former District Liaison, Commissioner Carollo's Office.*
- 2. Joe Carollo, City of Miami Commissioner, District 3.*
- 3. Richard Blom, Chief of Staff, Commissioner Carollo's Office. Questions were posed to witness Blom by Chair Sutton, Member Jackson, and Member Garcia.*

The Grievant rested.

Witnesses testifying at the request of the Department appeared in the following order:

- 1. Anthony Barcena, Deputy Chief of Staff, Commissioner Carollo's Office. Questions were posed to witness Barcena by Member Jackson.*
- 2. Jose Suarez, Special Assistant, Commissioner Carollo's Office.*

3. *Lisette Pallais, Receptionist, Commissioner Carollo's Office.*
 4. *Tanjha Quintana, Administrative Assistant, Commissioner Carollo's Office. Questions were posed to witness Quintana by Member Jackson.*
 5. *Gisella Maestre, Special Aide, Commissioner Carollo's Office. Questions were posed to witness Maestre by Member Jackson.*
 6. *Mara Roman, District Liaison, Commissioner Carollo's Office.*
 7. *Angela Roberts, Director, City of Miami Department of Human Resources.*
- Department rested.*

Closing arguments were provided by both attorneys. The Grievant entered one (1) exhibit. The Department entered five (5) exhibits. The Board reviewed the exhibits and entered into deliberation.

Chair Sutton asked if any Member wished to say anything. Hearing none, he opined that he wished there was evidence that Mr. Miro in fact reported issues to the Mayor. All they provided the Board was a copy of two (2) business cards of employees that work for the State Attorney's Office.

Member Jackson remarked that the Board has to take in consideration evidence that was submitted. He advised he wished that Mr. Miro brought in someone else or produced evidence that echoed Mr. Miro's allegations.

Following discussion, the Board entered a motion to find that the Grievant FAILED to meet his burden of proof, that he was terminated for activities covered under the Whistleblower Act.

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES:	Sutton, Garcia, Jackson, Jr.
RECUSED:	Dames

ADJOURNMENT:

April 2, 2019, a break was taken at: 12:20 PM – 12:53 PM

There being no further business before the Board, a motion was entered to recess the meeting at 1:40 PM and reconvene tomorrow at 10:00 AM, which resulted as follows:

Motion by Board Member Jackson, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

April 3, 2019 – Lunch 11:38 AM - 1:09 PM

There being no further business before the Board, a motion was entered to adjourn the meeting at 2:20 PM, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Dames, Garcia, Jackson, Jr.

SIGNATURE: _____
Troy Sutton, Board Chairperson

ATTEST: _____
Tishria L. Mindingall, Executive Secretary